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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

J.C., by and through her guardian ad litem,) Case No.

JOSE CORRALES,

Plaintiffs,

VS.

COUNTY OF LOS ANGELES; AVA
ROBLES; HECTOR SAAVEDRA
SOTO; and DOES 1 through 10,
inclusive.

Defendants.

)
) **COMPLAINT FOR DAMAGES FOR:**

1. Violation Of 42 U.S.C. § 1983; Fourth Amendment Rights – Excessive / Unreasonable Force;
 2. Violation Of 42 U.S.C. § 1983; Violation Of Fourth Amendment Rights - Unlawful / Unreasonable Seizure Of Person;
 3. Violation of 42 U.S.C. § 1983; Violation of Fourth and Fourteenth Amendment Rights – Malicious Prosecution;
 4. Violation Of 42 U.S.C. § 1983; Failure To Properly Train / Hire / Fire / Discipline;

5. Violation Of 42 U.S.C. § 1983;
Monell Liability – Custom, Practice or Policy.

JURY TRIAL DEMANDES

COMES NOW Plaintiff J.C., by and through her guardian ad litem, JOSE CORRALES, and shows this honorable court the following:

JURISDICTIONAL ALLEGATIONS

1. As this action is brought under 42 U.S.C. § 1983, this court has jurisdiction over this case under its federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. As the incidents complained of in this action occurred within the territorial jurisdiction of this court, venue properly lies in this court pursuant to 28 U.S.C. § 1331(b)(2).

GENERAL ALLEGATIONS

3. Plaintiff J.C. is a natural person, who, at all times complained of in this action resided in the County of Los Angeles, State of California. Plaintiff J.C. is a minor.

4. JOSE CORRALES is also the natural and legal father of J.C. JOSE CORRALES appears as guardian ad litem for his minor daughter, J.C.

5. Defendant COUNTY OF LOS ANGELES hereinafter also referred to as
“COUNTY” is a municipal entity located in the State of California; within the territorial
jurisdiction of this court.

6. Defendant Ava Robles, hereinafter also referred to as "ROBLES", is, and at all

1 times complained of herein, was, a peace officer employed by the Los Angeles County
2 Sheriff's Department, acting as an individual person under the color of state law, in her
3 individual capacity and was acting in the course of and within the scope of her
4 employment with Defendant COUNTY.

5 7. Defendant Hector Saavedra-Soto, hereinafter also referred to as "SAAVEDRA-
6 SOTO", is, and at all times complained of herein, was, a peace officer employed by the
7 Los Angeles County Sheriff's Department, acting as an individual person under the color
8 of state law, in his individual capacity and was acting in the course of and within the
9 scope of his employment with Defendant COUNTY.

L1 8. Defendants DOES 1 through 6, inclusive, are sworn peace officers and / or
L2 police officers and/or deputy sheriffs and/or investigators and/or Special Officers and/or a
L3 dispatchers and/or some other public officer, public official or employee of defendant
L4 COUNTY and/or otherwise employed by the Los Angeles County Sheriff's Department,
L5 who in some way committed some or all of the tortious actions (and constitutional
L6 violations) complained of in this action, and/or are otherwise responsible for and liable to
L7 plaintiff for the acts complained of in this action, whose identities are, and remain
L8 unknown to plaintiff, who will amend her complaint to add and to show the actual names
L9 of said DOE defendants when ascertained by plaintiff.

L10 9. At all times complained of herein, DOES 1 through 6, inclusive, were acting
L11 as individual persons acting under the color of state law, pursuant to their authority as
L12

1 sworn peace officers and/or deputy sheriffs and/or Special Officers and/or Supervisors
2 (i.e. Sergeants, Lieutenants, Captains, Commanders, etc.) and/or dispatchers, employed
3 by the Los Angeles County Sheriff's Department, and were acting in the course of and
4 within the scope of their employment with defendant COUNTY.

5 10. Defendants DOES 7 through 10, inclusive, are sworn peace officers and/or
6 the Sheriff and/or Assistant Sheriffs and/or Commanders and/or Captains and/or
7 Lieutenants and/or Sergeants and/or other Supervisory personnel and/or policy making
8 and/or final policy making officials, employed by the Los Angeles County Sheriff's
L1 Department and/or defendant County of Los Angeles, who are in some substantial way
L2 liable and responsible for, or otherwise proximately caused and/or contributed to the
L3 occurrences complained of by plaintiff in this action, such as via supervisory liability (i.e.
L4 failure to properly supervise, improperly directing subordinate officers, approving actions
L5 of subordinate officers), via bystander liability (failing to intervene in and stop unlawful
L6 actions of their subordinates and/or other officers), and such as by creating and/or causing
L7 the creation of and/or contributing to the creation of the policies and/or practices and/or
L8 customs and/or usages of the Los Angeles County Sheriff's Department for, *inter alia*,: 1)
L9 using excessive force; 2) for unlawfully seizing persons; and 3) for covering up the
L10 tortious conduct of Los Angeles County Sheriff's Department deputies.

26 11. At all times complained of herein, DOES 7 through 10, inclusive, were
27 acting as individual persons acting under the color of state law, pursuant to their authority
28

1 as the Sheriff and/or the Assistant Sheriff and/or Captains and/or Lieutenants and/or
2 Sergeants and/or other Supervisory personnel and/or policy making and/or final policy
3 making officials with the Los Angeles County Sheriff's Department, and/or some other
4 public official(s) with defendant COUNTY, and were acting in the course of and within
5 the scope of their employment with defendant COUNTY.
6

7 12. At all times complained of herein, defendants DOES 7 through 10, inclusive,
8 were acting as individual persons under the color of state law; under and pursuant to their
L0 status and authority as peace officers and/or Supervisory peace officers (as described
L1 herein, above and below), and/or policy making peace officers, with the Los Angeles
L2 County Sheriff's Department and/or otherwise with defendant COUNTY.
L3

L4 13. In addition to the above and foregoing, defendants ROBLES, SAAVEDRA-
L5 SOTO and DOES 1 through 6, inclusive, acted pursuant to a conspiracy, agreement and
L6 understanding and common plan and scheme to deprive the plaintiff of her federal
L7 Constitutional and statutory rights, and California constitutional and statutory state law
L8 rights, as complained of in this action.
L9

L10 14. Defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6,
L11 inclusive, acted in joint and concerted action to deprive the plaintiff of those rights as
L12 complained of herein; all in violation of 42 U.S.C. § 1983, and otherwise in violation of
L13 United States (Constitutional and statutory) law.
L14

15. Said conspiracy / agreement / understanding / plan / scheme / joint action / concerted action, above-referenced, was a proximate cause of the violation of the plaintiff's federal and state constitutional and statutory rights, as complained of herein.

FIRST CAUSE OF ACTION
VIOLATION OF 42 U.S.C. § 1983

**Violation of Fourth Amendment Rights -
Excessive/Unreasonable Use of Force on Person
(Against ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive)**

16. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 15, inclusive, above, as if set forth in full herein.

17. On September 10, 2017, J.C. was a passenger in a vehicle which was stopped by Defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive.

18. The vehicle was stopped even though no public offense had been committed

19. Defendant ROBLES approached the passenger side of the vehicle and Defendant SAAVEDRA-SOTO approached the driver's side

20. DEFENDANTS ROBLES and SAAVEDRA-SOTO were asking J.C. and the driver “how old are you;” “where are you headed;” and “where are you coming from?” SAAVEDRA-SOTO then ordered the driver out of the vehicle and placed the driver in the back of the patrol vehicle.

21. J.C. began asking ROBLES why the driver was placed in the patrol vehicle. ROBLES became frustrated and said, "This can either go good, or real bad."

1 22. ROBLES asked J.C. how old she was. J.C. told ROBLES that she was
2 sixteen years old – which was true. ROBLES became upset and said, “No you’re not!”
3

4 23. ROBLES then ordered J.C. out of the vehicle. ROBLES went to open the
5 door but it was locked. This seemed to frustrate ROBLES even more. J.C. unlocked the
6 door and exited the vehicle.
7

8 24. ROBLES put J.C. up against the car and violently pulled on J.C.’s arms to
9 place them behind her back. ROBLES then began yelling, “stop resisting” to which J.C.
L0 L1 cried out that she’s not resisting.
L2

L3 25. J.C. was not resisting.
L4

L5 26. ROBLES then brutally slammed J.C. on to the ground. ROBLES got on top
of J.C. and began digging her knees into J.C.’s back and pulled on her arms.
L6

L7 27. SAAVEDRA-SOTO ran over and forced J.C.’s face into the hot asphalt with
his knee.
L8

L9 28. J.C. began crying out in pain, but the deputies continued to torture her
20 while telling her to “stop resisting.”
21

22 29. J.C. was in excruciating pain, from the treatment of the Defendants and
23 from the asphalt which was extremely hot.
24

25 30. Additional deputies arrived who, along with ROBLES and SAAVEDRA-
SOTO, placed J.C. in a hogtie.
26

27 31. J.C. never resisted arrest, nor did she assault any of the deputies, nor did
28

1 she do anything to make any of the deputies believe that she was about to become
2 combative. J.C. merely cried out in pain from the deputies' brutal treatment.
3

4 32. The deputies then stood J.C. up. ROBLES slammed J.C.'s head on to the
5 hood of patrol vehicle. ROBLES began searching J.C.

6 33. ROBLES said that J.C. was being treated this way because J.C. was acting
7 "smart."
8

9 34. J.C. was placed in the back of a patrol vehicle and taken to U.S.C. Medical
10 Center hospital.
11

12 35. J.C. was released from the hospital and then booked at the Los Angeles
13 County Jail where she was interrogated for hours.
14

15 36. After spending hours at the jail, J.C. was released to her parents and given
16 a citation / notice to appear for an alleged violation of Penal Code sec. 69.
17

18 37. ROBLES and SAAVEDRA-SOTO maliciously requested the prosecution
19 of J.C. for bogus charges of Penal Code sec. 69.
20

21 38. A criminal action was then filed against J.C. for allegedly violating Penal
22 Code sec. 69.
23

24 39. The charges against J.C. were ultimately dismissed.
25

26 40. As a direct and proximate result of the actions of defendants ROBLES,
27 SAAVEDRA-SOTO and DOES 1 through 6, inclusive, as complained of herein, J.C.: 1)
28 was substantially physically, mentally and emotionally injured; 2) suffered great mental
29

1 and emotional pain, suffering and distress, 4) incurred medical and psychological costs,
2 bills and expenses and 3) incurred other special and general damages and expenses in an
3 amount to be proven at trial which is in excess of \$3,000,000.00.
4

5 41. The actions of said defendants, and each of them, as complained of herein,
6 were committed maliciously, oppressively and in reckless disregard of J.C.'s
7 constitutional rights, sufficient for an award of punitive / exemplary damages against all
8 defendants and each of them, save Defendant COUNTY, in an amount to be proven at
9 trial which is in excess of \$2,000,000.00.
L1

L2 **SECOND CAUSE OF ACTION**
L3 **VIOLATION OF 42 U.S.C. § 1983**

L4 **Violation of Fourth Amendment Rights –**
L5 **Unlawful / Unreasonable Seizure of Person**
L6 **(Against ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive)**

L7 42. Plaintiff hereby realleges and incorporates by reference the allegations set
L8 forth in paragraphs 1 through 41, inclusive, above, as if set forth in full herein.

L9 43. As complained of herein above, none of the defendants to this action had a
L10 warrant for J.C.'s arrest, nor probable cause to believe that J.C. had committed a crime,
L11 nor reasonable suspicion that J.C. was a danger to anyone or anything, nor even a
L12 reasonable suspicion of criminality afoot by J.C.
L13

L14 44. Accordingly, the seizure of J.C. by Defendants ROBLES, SAAVEDRA-
L15 SOTO and DOES 1 through 6, inclusive, by the use of unreasonable force, constituted an
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1 unlawful and unreasonable seizure of J.C., in violation of her right to be free from
2 unreasonable force under the Fourth Amendment to the United States Constitution.
3

4 45. As a direct and proximate result of the actions of defendants ROBLES,
5 SAAVEDRA-SOTO and DOES 1 through 6, inclusive, as complained of herein, J.C.: 1)
6 was substantially physically, mentally and emotionally injured; 2) suffered great mental
7 and emotional pain, suffering and distress, 4) incurred medical and psychological costs,
8 bills and expenses and 3) incurred other special and general damages and expenses in an
9 amount to be proven at trial which is in excess of \$3,000,000.00.
L1

L2 46. The actions of said Defendants, and each of them, as complained of herein,
L3 were committed maliciously, oppressively and in reckless disregard of J.C.'s
L4 constitutional rights, sufficient for an award of punitive / exemplary damages against all
L5 defendants and each of them, save for Defendant COUNTY, in an amount to be proven
L6 at trial which is in excess of \$2,000,000.00.
L7

L9 **THIRD CAUSE OF ACTION**
L10 **MALICIOUS PROSECUTION**
L11 **VIOLATION OF 42 U.S.C. § 1983**

L12 **Violation Of Fourth And Fourteenth Amendment Right**
L13 **(Against ROBLES, SAAVEDRA-SOTO, and DOES 1 through 6, inclusive)**

L14 47. Plaintiff hereby realleges and incorporates by reference the allegations set
L15 forth in paragraphs 1 through 46, inclusive, above, as if set forth in full herein.
L16

1 48. As shown above, ROBLES, SAAVEDRA-SOTO and DOES 1 through 6,
2 inclusive, falsely arrested plaintiff J.C. on the bogus charge of violation of Cal. Penal
3 Code § 69, something said defendants knew was not true.
4

5 49. Also as shown above, ROBLES, SAAVEDRA-SOTO and DOES 1 through
6, inclusive, knew that plaintiff J.C. had not committed any violations of Cal. Penal Code
7 § 69, or any other law, and, nonetheless, authored bogus police reports and accused
8 plaintiff J.C. of various acts to show that plaintiff had violated Cal. Penal Code § 69.
9

L0 50. Said police reports authored by ROBLES, SAAVEDRA-SOTO and DOES 1
L1 through 6, inclusive, also contained material misrepresentations of facts and material
L2 omission of facts upon which the Los Angeles County District Attorney's Office relied,
L3 in large part, in deciding to file and to maintain the criminal prosecution of the plaintiff
L4
L5 J.C.
L6

L7 51. Moreover, said criminal action against J.C. was terminated in her favor, in a
L8 manner inconsistent with guilt.
L9

20 52. Moreover, as shown above, none of said defendant officers had probable
21 cause to believe that J.C. committed a crime.
22

23 53. Moreover, said criminal action was procured by said defendants with malice.
24

25 54. Moreover, as California does not provide for any remedy for an aggrieved
26 malicious prosecution victim to sue a public employee for the filing and/or procurement
27 of a bogus criminal action, pursuant to *Parratt v. Taylor*, 451 U.S. 527 (1981), the actions
28

of said defendants constituted a violation of the Fourth, Ninth and Fourteenth Amendments to the United States Constitution.

55. As a direct and proximate result of the actions of defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive, as complained of herein, Plaintiff: 1) was substantially physically, mentally and emotionally injured, 2) incurred medical and psychological costs, bills and expenses, 3) lost the use and possession of his real and personal property and 4) incurred other special and general damages and expenses, including attorney's fees and associated costs; all in an amount to be proven at trial which is in excess of \$3,000,000.00.

56. The actions of defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive, as complained of herein, were committed maliciously, oppressively and/or in reckless disregard of plaintiff's constitutional rights, sufficient for an award of punitive exemplary damages against all defendants, save for defendant CITY, in an amount to be proven at trial which is in excess of \$2,000,000.00.

FOURTH CAUSE OF ACTION
VIOLATION OF 42 U.S.C. § 1983

**FEDERAL CLAIM FOR FAILURE TO PROPERLY TRAIN AND FOR
FAILURE TO PROPERLY HIRE / FIRE / DISCIPLINE
(Against COUNTY)**

57. Plaintiffs hereby reallege and incorporate by reference the allegations set forth in paragraphs 1 through 56, inclusive, above, as if set forth in full herein.

1 58. As complained of herein above, the acts of Defendants ROBLES,
2 SAAVEDRA-SOTO and DOES 1 through 6, inclusive, deprived J.C. of her rights under
3 the laws of the United States and The United States Constitution.
4

5 59. The training policies of COUNTY were not adequate to train its peace
6 officer employees to properly and lawfully handle situations similar to the one they were
7 presented with when they confronted J.C.
8

9 60. COUNTY was deliberately indifferent to the obvious consequences of its
L0 failure to train, discipline and/or terminate its peace officer employees adequately.
L1

L2 61. The failure of COUNTY to provide adequate training, discipline and/or
L3 terminate its officers caused the deprivation of J.C.'s rights by Defendants ROBLES,
L4 SAAVEDRA-SOTO and DOES 1 through 6, inclusive.
L5

L6 62. COUNTY's failure to train, discipline, and/or terminate is closely related to
L7 the deprivation of J.C.'s rights as to be the moving force that ultimately caused J.C.'s
L8 injuries.
L9

20 63. As a direct and proximate result of the actions of COUNTY, as complained
21 of herein, J.C.: 1) was substantially physically, mentally and emotionally injured; 2)
22 suffered great mental and emotional pain, suffering and distress, 4) incurred medical and
23 psychological costs, bills and expenses and 3) incurred other special and general
24 damages and expenses in an amount to be proven at trial which is in excess of
25 \$3,000,000.00.
26
27
28

FIFTH CAUSE OF ACTION
[VIOLATION OF 42 U.S.C. § 1983]
**Claim Against Local Governing Body Defendants Based On
Official Policy, Practice, Or Custom
(Against COUNTY)**

64. Plaintiffs hereby reallege and incorporate by reference the allegations set forth in paragraphs 1 through 63 inclusive, above, as if set forth in full herein.

65. As shown above, the actions of Defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive, deprived the plaintiff of his particular rights under the United States Constitution, as described above.

66. At all times complained of herein, Defendants ROBLES, SAAVEDRA-SOTO and DOES 1 through 6, inclusive, were acting pursuant to the policies, customs, usages and practices of the Los Angeles County Sheriff's Department / defendant COUNTY: 1) for using excessive / unreasonable force on persons; 2) for unlawfully seizing (detaining and arresting) persons; 3) for fabricating / destroying / concealing / altering evidence in criminal and civil actions, and for otherwise "framing" persons in criminal actions, in order to falsely and maliciously, oppressively convict innocent persons, to protect them and other police officers and supervisory personnel from civil, administrative and criminal liability and were a proximate cause of the very same federal constitutional violations complained of below by the plaintiff in this action.

67. Said actions of said defendants were done by them under the color of state law.

68. As a proximate result of said defendants acting pursuant to said policies, customs, usages and practices of defendant COUNTY, above-described, said defendants committed said actions complained of above.

69. As a direct and proximate result of the actions of defendant COUNTY, Plaintiff J.C.: 1) was substantially physically, mentally and emotionally injured; 2) suffered great mental and emotional pain, suffering and distress, 4) incurred medical and psychological costs, bills and expenses and 3) incurred other special and general damages and expenses in an amount to be proven at trial which is in excess of \$3,000,000.00.

WHEREFORE, plaintiff prays for judgment as follows:

- a) For a judgment against all defendants for compensatory damages in an amount in excess of \$3,000,000.00;
 - b) For a judgment against all defendants, save defendant COUNTY, for punitive damages in an amount in excess of \$2,000,000.00;
 - c) For an award of reasonable attorney's fees and costs;
 - d) For a trial by jury; and
 - e) For such other and further relief as this honorable court deems just and equitable.

/S/ Gregory Peacock

GREGORY PEACOCK